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BACHER'S TRADITION AND TRADITIONISTS IN THE SCHOOLS OF PALESTINE AND BABYLON.

Tradition und Tradenten in den Schulen Palästinas und Babylonians. Studien und Materialien zur Entstehungsgeschichte des Talmuds. Von WILHELM BACHER. Leipzig: GUSTAV FOCK, 1914. pp. 704.

THIS last, posthumously published work of the great talmudical scholar, the late Professor W. Bacher, deals, as its title indicates, with the teachings of the traditional Law and the manner in which it was studied and preserved in the various talmudical academies of Palestine and Babylon. It records the names of the teachers or groups of teachers by whom the vast bulk of the traditional teachings, Halakah and Haggadah, was discussed in the schools, brought from one school to another, and transmitted from generation to generation. It also describes the manner, the different forms and methods in which these traditional teachings were studied and arranged in the schools and communicated by one teacher to another, the various collections in which they were embodied, and how they have been preserved in the literature of Talmud and Midrash.

The work bears the sub-title, *Studien und Materialien zur Entstehungsgeschichte des Talmuds*. In this sub-title the object of the work is thus expressly stated to be, to present studies and material for the history of the genesis of the Talmud.

Now, as regards the studies in the genesis of the Talmud, which are contained in this work, most of them are found in other previous publications by the author. Thus, the first introductory chapter has been previously published in the *Jewish Quarterly Review*, vol. XX (1908), pp. 572-96. The third chapter

on the *Satzung vom Sinai* has been published in *Studies in Jewish Literature*, issued in honour of Dr. K. Kohler (Berlin, 1913), pp. 56-70. And the other studies and brief discussions of terms and forms are, with very few exceptions, repeated from other works by the author. What is new in this work, accordingly, is the material which it furnishes for a history of the genesis of the Talmud. The classification of the various forms, in which the traditional teachings have been preserved, and of the prominent teachers or group of teachers who transmitted these teachings, as well as the wealth of material which the author has brought together and grouped systematically under each of the various forms and around each name of a teacher or group of teachers, constitute the main contribution made by this work to the science of the Talmud. And it is a very valuable contribution. The knowledge of all these various forms, used in preserving the traditional teachings, and a chronological list of the teachers and schools who transmitted these teachings, are an indispensable aid to trace the growth and the development of the literature of the Talmud. Unfortunately, however, this work of Bacher's, which aims at giving us this knowledge, fails to meet the two essential requirements which are necessary to make such a work useful and valuable.

The value of such lists of forms and names, with the necessary passages accompanying them as illustrations, depends to a great extent upon the following two conditions. First, each heading on the list must be accompanied by an adequate discussion of its significance and a sufficient indication, at least, of the various questions connected with it. It must be pointed out what principle underlies the formula in question or the peculiar form of grouping or combination of names. It should be indicated what conclusions one can derive from them in regard to the literary history of the traditional law, to what stage in the development they belong, what redactional activity they represent or presuppose, and what, if any, bearing they have upon certain problems in the history of the genesis of the Talmud. Secondly, it is necessary that the material grouped around each rule or formula to furnish its illustrations should be complete, so that

one may be enabled to judge whether the conclusions arrived at in regard to the significance of that form are justified and supported by all, or most, of the passages in which this form is used or that formula occurs. For if the material is not exhaustive, no safe conclusion as to the significance of that form is warranted, since it may be a false generalization from only a few cases.

The work before us does not fulfil either one of these two important conditions. In most cases the author has furnished us merely with material without any accompanying discussion. He takes a certain formula or the name of a certain teacher or group of teachers and puts it as the heading of a chapter which contains nothing but a dry list of references to the passages in which this peculiar formula is used, or which belong to this teacher or group of teachers. But he does not at all comment on the significance of that formula or on the importance of the material transmitted by that teacher or group of teachers. He does not point out the conclusions which might be derived from it, nor does he even suggest the problems connected with it. And in those cases where some comments are made about the significance of the material, mostly in a few brief prefatory remarks, the discussion thus given is very inadequate.

This particular shortcoming of the work might perhaps be explained and excused on the possible supposition that the work, notwithstanding its sub-title, was perhaps primarily intended to furnish only the material necessary for the discussion of all these problems in connexion with the history of the genesis of the Talmud. Perhaps the author contented himself with merely bringing together the material and thus enabling others to study and examine it and draw from it the correct conclusions and base their theories upon them. But then, the other important condition ought to have been fulfilled. The material thus furnished should have been complete, which it is not. In the majority of the cases a very considerable and important part of the material is left out. In one or two instances the author states that the list of the passages furnished by him does not lay claim to completeness. But in all other instances he makes no such statement. And when one would assume, since nothing is said

to the contrary, that the material is complete, a closer examination shows that this is not the case.

In quite a few instances we find further not only that the material is not complete but, what is by far worse, the most important and most significant part of it has been omitted. Striking talmudic passages which illustrate the peculiar characteristics and significance of the formula in question are not cited, while some of the passages which are cited by the author are comparatively insignificant and do not point to the peculiarity of the formula or rule in question. Some of the passages are even incorrectly quoted and misinterpreted. The surprising fact about some of these inadequate illustrations is that they are found in the Talmud in close proximity to passages much more conclusive and suitable for the purpose. And one cannot help wondering why the author should have selected the comparatively unimportant and irrelevant passages and ignored the more cogent ones.

Limited space prevents me from discussing in detail all the various groups of material presented in this work. I can here discuss only a few of the questions treated in this work and cite a few illustrations from it, which will bear out my general criticism, that the work is lacking in the required adequate discussions of the problems with which it deals and is incomplete in the illustrative material which it offers.

Chapter XVII (pp. 171-92) deals with the formula *מכאן אמרו*, which is frequently used in the Tannaitic Midrashim to connect halakic teachings and haggadic sayings with the Scriptural passages from which they have been derived by means of a midrashic interpretation. The author gives us a list of all the passages in the Tannaitic Midrashim where the formula is used, and he classifies the halakic teachings thus introduced in three categories: (1) Such as are found in our Mishnah; (2) Such as are found in the Tosefta or in any of the Baraitot scattered in the Talmud; (3) Such as cannot be traced to any of the Tannaitic sources which have been preserved to us. This last category, the author rightly tells us (p. 172), 'deserves special attention'. But he does not give them this deserved special attention. He does not

at all discuss the significance of these quotations of halakic teachings with the formula **מכאן אמרו**. He does not even suggest the question which might be raised in this connexion, namely, whether the redactors of the Halakic Midrashim referred with this formula, in the case of the first category, to our Mishnah, and, in the case of the third category, to a lost collection of tannaitic teachings, or perhaps in all three categories the redactors of the Tannaitic Midrashim had reference to one larger collection which contained all the sayings cited with **מכאן אמרו**, even those which are now found in our Mishnah or in our Tosefta (comp. Frankel, *Monatsschrift*, 1853, pp. 393-4). These considerations are of great importance for the history of the genesis of the Talmud, as they have a distinct bearing upon the question what works or collections preceded the redaction of the works preserved to us. On the other hand, the author gives us (pp. 179-81) an additional list of passages in the Midrash Hagadol, in which the compiler quotes sentences from Maimonides' *Mishneh Torah* with the formula **מכאן אמרו**. But this has nothing to do with the *Tradition und Tradenten in den Schulen Palästinas und Babylonien*.

Chapters XX and XXI (pp. 222-54) deal with the various collections of Tannaitic traditions cited in the Babylonian Talmud. Among these various collections the one by R. Ḥiyya is first in importance. Apparently to point out the peculiar distinction of Ḥiyya and his collection, the author makes the following remark: 'We are even told of a "Tanna of the School of Ḥiyya" by the name of Aḥai who addressed a question to Ḥiyya himself' (p. 223), and he cites the passage in Berakot 14 a, **בעי מיניה אחאי**, **תנא רבי ר' חייא מר' חייא**. But there is nothing unusual in the fact that there was a special Tanna in a certain school who would address a question to the head of the school. On the same page in the Talmud (Berakot 14 a) we are also told of a Tanna of the school of R. Ammi by the name of Ashyan, who addressed a question to R. Ammi himself: **בעי מיניה אשיאן תנא רבי ר' אמי**, **מר' אמי**. Yet R. Ammi is not even mentioned by our author in the list of names of the various teachers or heads of schools before whom a Tanna recited Tannaitic traditions (ch. XXIII).

In discussing Levi b. Sisi and his collection (p. 226), the author remarks that it is said in regard to some of the Tannaitic teachings contained in Levi's Baraita collection, that Levi reported them as Tannaitic teachings in his collection, and also expressed the very same teachings as his own opinions or sayings. In support of this statement of his the author cites the passage *הוא תני לה והוא אמר לה* in Erubin 10a. But the passage is incorrectly quoted and misinterpreted. The passage in full reads thus: *הוא תני לה והוא אמר לה דאין הלכה כאותה משנה*: He (i. e. Levi) taught this Tannaitic teachings in his Baraita collection, but, in commenting upon it, said that the accepted Halakah is not like this teaching.

This mistake is repeated by the author on p. 247, where he gives the same misinterpretation of the phrase *הוא תני לה והוא אמר לה* as applied to Agra in *Hullin* 104 b (comp. Rashi, *ad loc.*, where it is expressly stated that the phrase *הוא אמר לה* means 'he interpreted it').

In the list of Amoraim who transmitted Tannaitic teachings, either by simply reporting the saying of a Tanna and introducing it with *אמר* (chapters IX–X), or by quoting it from a collection of Tannaitic teachings and introducing it with *תני* (chapters XXII–XXIII), I miss, especially, reference to the very interesting cases in which an Amora quotes an anonymous Tannaitic teaching, introducing it with the formula *שונין* 'The Tannaim teach'. I know only of two such cases, one in *Hagigah* 25a, quoted by R. Eleazar, and the other in *Niddah* 49a, quoted by R. Assi.

The list of the sayings of Palestinian teachers which were brought to Babylon ought to have included also such sayings and teachings as are mentioned as having been sent from Palestine, though it is not stated who brought them, as, for instance, the teaching sent by R. Isaac b. Jacob in the name of R. Johanan (*Hullin* 104 b), and all the sayings introduced with the formula *שלחו מתם*.

Chapters XXXVII–XXXVIII deal with the different versions of the reports about the authorship of certain teachings mentioned in the Babylonian Talmud. The differences between these

versions are merely in the names of the authors to whom certain teachings are ascribed. While the one version mentions the name of one teacher as the author of a certain saying, the other version ascribes the same saying to another teacher. These different versions are introduced either with the formula **ואמרי לה** 'And some say it', or with the phrase **ואיתימא** 'And if you wish you may say it'. The author treats these two formulas separately, the **ואמרי לה** passages in chapter XXXVII and the **ואיתימא** passages in chapter XXXVIII. The distinction, however, which he makes between the two formulas is not quite distinct. As a matter of fact, there seems to be no difference between these two formulas which are both redactional in character. If a distinction is to be made, I would rather assume that by using the formula **ואמרי לה** in referring to the second version, the redactor expresses his preference for the first version. While, when using the formula **ואיתימא**, he indicates that he has no such preference, that they are simply alternative versions, and that both are equally indorsed by him.

As to the passages cited by the author, his remark on p. 530 seems to indicate that the list of the **ואמרי לה** passages was meant to be complete, but, in fact, it is far from being so. The author classifies the differences between the two versions under different categories, as e.g. where the difference is in the name of the author's father, or in the name of the place where the author came from, &c. The main category, however, where the difference is in the names of the authors themselves, as, for instance, Megillah 16 b, where one version has Tanḥum and the other Assi; Moed ḵatan 19 a, where one version has Rab and the other Rabbah bar bar Ḥanah; or Yebamot 45 a, where one version has Bar Ḳappara, and the other 'The Elders of the South'; this category is altogether ignored by the author. I miss also another category, where the difference between the two versions is that the teacher who in the one version is mentioned as the one who reported or transmitted the saying, is mentioned in the other version as the one to whom the saying had been addressed, as, for instance, Moed ḵatan 20 a, in regard to the saying of R. Joḥanan, reported by, or addressed to, Ḥiyya b.

Abba. And even in the categories classified by the author, the list of the passages belonging to each is not complete.

In chapter XLII the author deals with another class of different versions recorded in the Babylonian Talmud, namely, the class pertaining not to the authorship, but to the teachings themselves, their contents, and their arrangements. And here again the treatment is very inadequate. These different versions deserve great attention, for, as the author rightly states on p. 578, they afford us an insight into the genesis and the development of the text of the Talmud. We would, therefore, have appreciated very much a discussion of their significance which, however, the author does not give us. But, aside from this, the material is not only incomplete, but, I regret to say, not even aptly selected. Thus, for example, the author cites the passage *Moed katan* 8 a, as an instance where Mar Zutra is the author of a different version. But this instance is rather irrelevant, for the difference there consists merely in the omission of the name of Rab. On the other hand, the author might have quoted such passages as e.g. *Pesahim* 120 a, where Mar Zutra is the author of a version so different that it presents discrepancies in the very contents of a teaching of Samuel and its attendant discussion. It is such illustrations that deserve our notice, for they point to distinct versions differing from one another in the teachings themselves, their arrangements, and the discussions connected with them.

The same fault is to be found with the author's selection of the material to illustrate those different versions in the Talmud which are by anonymous teachers, and which are introduced by the phrase 'ואיכא דמתני' 'And there are some who state it'. Here the author cites but a few passages, and these are not even striking illustrations of the character of these different versions, while, on the other hand, very striking illustrations are ignored. Thus, for example, he quotes one such instance from *Tractate Makkot* 11 a. But this instance is not an illustration of the different versions of Amoraic teachings. These different versions are comments upon different readings in the *Mishnah* which in turn may be rather opposed opinions than different versions. On the other hand, the author could have found in the same

tractate far better illustrations, as e. g. Makkot 4 b and 8 b. The latter, especially, is very important, for it represents a difference in the arrangement of the Amoraic discussions around Tannaitic teachings. Each one of the two versions in connexion with it contains a Mishnah text, the discussion of the same by three Amoraim, and the retracting by one of them of his former statement. Such different versions point to different collections of Amoraic sayings and discussions, or to earlier Gemaras, from which the redactors of our Gemara have drawn their material.

Similar striking illustrations might have been cited from other tractates, as for instance, to mention but one, Ketubbot 12 a, where both versions are of comparatively late origin since they include a saying of Ashi, and a comment upon it by another teacher, and where both versions are followed by a redactional remark about them which is probably from the final redactor. But, above all, one cannot understand why the author mentions only such different versions as are introduced with the formula **וַאִיכָּא דַּמְתַּנִּי**, and ignores all those different versions which are introduced with other similar formulas, as, for instance, **וַאִיכָּא** Ketubbot 2 a, or **וַאִיכָּא דְּבַעֵי לָהּ מִיבַעִיָּא** Gittin 4 b, or **וַאִיכָּא דְּרַמִּי קְרַאי אַהֲרָרִי** Makkot 9 a. It is especially surprising to find that the vast number of different versions introduced with the formula **וַאִיכָּא דְּאַמְרֵי**, which are found plentifully in every Tractate of the Talmud, are ignored by the author.

Even more inadequate is the treatment of those different versions found in the Babylonian Talmud which are introduced with the formula **לִישְׁנָא אַחֲרִינָא** 'Another Version'. The author states (p. 589) that the introduction of these different versions belongs to the last and final redaction of the Talmud, by which he can only have reference to the activity of the Saboraim. For the history of the genesis of the Talmud it is of great importance to know the activity of the Saboraim and to what extent they contributed to the present text of the Talmud. We should, accordingly, have expected a complete list of all the tractates in which such **לִישְׁנָא אַחֲרִינָא** passages occur, as it is important to know in which tractates we can trace the activity of the Saboraim. At any rate, we certainly should have expected the author to cite

all such instances of the **לישנא אחרינא** versions which bear out his statement that they belong to the last redaction of the Talmud, or to the activity of the Saboraim. But the material actually furnished by the author does not come up to our expectations. Not all the tractates in which **לישנא אחרינא** versions occur are mentioned. I miss e.g. reference to tractate Sukkah (14 b) and to tractate Gittin (14 b) where such **לישנא אחרינא** versions occur. And what is far worse, the instances cited by the author are very inaptly chosen.

The author quotes altogether only ten such **לישנא אחרינא** versions, of which, however, only five are genuine, the other five being either spurious or at least doubtful. Thus, the one in Niddah 29 a is not found in the Munich MS. And even our editions have it only in parentheses and state in a marginal remark that some editions do not have it, **ספרים אחרים לא גרסי**. The one in Baba ḥamma 59 a is doubtful. Alfasi did not have it, and in one of the manuscripts it is missing (see Rabinovicz, *Dikduḳe Soferim*, *ad locum*). The same is the case with the one in Ḥullin 119 a, which is also missing in one of the manuscripts (see Rabinovicz, *op. cit.*). In Temurah 11 a the words **לישנא אחרינא** are, according to Rashi, to be omitted (see Shittah Meḳubbešet, and the **הנהיג** by R. Elijah Wilna, *ad locum*). In Temurah 11 b, likewise, the words **לישנא אחרינא** are to be omitted according to Shittah Meḳubbešet, *ad locum*, and are, indeed, missing in the Munich MS. On the other hand, the author could have quoted ten genuine **לישנא אחרינא** versions from the very first seven pages of the Tractate Temurah alone. Among these he could have pointed out such as are unmistakably of Saboraic origin, as e.g. the one on p. 7 a, which by its very language is marked to be of Saboraic origin (see Z. Frankel, in *Monatsschrift*, 1861, pp. 262–3).

I miss also in this work a presentation and discussion of those passages in the Babylonian Talmud in which an Amora reports a teaching in the name of the Gemara **משמיה דנמרא**. The author merely states (on p. 21) that the phrase **משמיה דנמרא** is used when a teaching is reported on the basis of an undefined tradition, the author of which was not, or could not be, ascertained.

He does not quote any such passage here, but merely refers to his work *Die exegetische Terminologie*, II, pp. 31 ff., where he has attempted to prove that this is the meaning of the term Gemara in the phrase משמיה דגמרא. But in a work about *Tradition und Tradenten*, &c., the Talmudic passages containing such sayings reported משמיה דגמרא ought to have been cited and discussed, for they certainly represent a very interesting and a specific form in which traditional teachings were transmitted by the Amoraim. Furthermore, these passages are of special significance for the history of the genesis of the Talmud. For, notwithstanding the arguments to the contrary, presented by Bacher in his *Terminologie*, *l. c.*, there is no valid objection to the theory that the term Gemara, in the phrase משמיה דגמרא, refers to an actual collection of Amoraic discussions, that is, to an early Gemara, from which the Amoraim quoted these teachings. Rashi, in *Kiddushin* 53 a, states expressly that the term משמיה דגמרא refers to a definitely fixed earlier Gemara which was familiar to all the students of the academy, כך נקבעה בגמרא ושגורה בפי בני בית המדרש (comp., however, Rashi, *Yebamot* 86 a). Bacher himself explains the term Gemara in the phrase קבעיתו לה בגמרא (*Erubin* 32 b), as used by an Amora of the third generation, to mean such an early Gemara (*Terminologie*, II, p. 32; comp. also his essay on Gemara, in *Hebrew Union College Annual*, 1904, pp. 33-4). Why, then, could not later Amoraim have quoted sayings from that early Gemara? For all the sayings thus mentioned in the Talmud as quoted משמיה דגמרא are reported by teachers not earlier than the fourth generation of Amoraim. Thus in *Yoma* 14 b (33 a) it is Abaye who reports such a statement משמיה דגמרא. In *Yebamot* 86 a and *Kiddushin* 53 a, it is Aḥa the son of Raba. In *Pesahim* 115 a, it is, according to the reading of R. Ḥananel, Raba, who reports the saying in the name of the Gemara. Our editions, it is true, have the name of Hillel instead of Raba. But this Hillel is certainly not the Patriarch Hillel I, as Bacher seems to assume. The saying quoted there, משמיה דגמרא, contains the remark דסבירא לן מצה בומן הזה דאורייתא. The term הזה בומן, which means, the time after the destruction of the temple, would have been impossible in the mouth of Hillel I

If we accept the reading Hillel, it must be Rab Hillel (as is indeed found in one of the manuscripts, see Rabbinovicz, *Diḳduḳe Soferim, ad locum*), and it is probably the same Rab Hillel who in Yebamot 21 b quotes to R. Ashi from a written collection of Amoraic teachings in regard to the Rabbinical laws about prohibited marriages. This Rab Hillel certainly could have quoted here a saying from an early Gemara, or a collection of Amoraic teachings in regard to the Pesah-ritual. The fact that a legend reports (Baba ḥamma 61 a) that David also quoted sayings *משמיה דגמרא*, does not at all prove, as Bacher assumes (*Terminologie, l. c.*), that the phrase everywhere refers to an undefined tradition and not to an actual collection of an earlier Gemara. A legend in Berakot 18 b also reports that Benaiah b. Jehoiada read through the whole *ספרא דבי רב* in a short winter day. And, certainly, no one would argue from this that when, in another passage of the Talmud, the *ספרא דבי רב* is mentioned, it does not refer to an actual Tannaitic work by that name.

What has been said by way of criticism may seem ungracious, but it was meant, merely, to point out that the work before us, valuable a contribution as it is, is not complete, but rather an unfinished product. It should be noticed that the faults pointed out are, with very few exceptions, errors of omission rather than of commission. These omissions and mistakes are due to the sad fact that the author was overtaken by death before he could complete and revise his work.

The incompleteness of this work emphasizes, all the more, the great loss which Talmudic science sustained through the death of Bacher. For, had he been granted a few more years of life and activity, he, no doubt, would have so revised and completed his work as to give us an exhaustive presentation of all the material for a history of the genesis of the Talmud.

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